

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

JOHN ANTHONY CASTRO)
12 Park Place, Mansfield, TX 76063)
)
Plaintiff,)
)
v.)
)
SECRETARY OF STATE ANDREW)
WARNER and DONALD JOHN TRUMP,)
)
Defendants.)

Case No. 2:23-cv-00598
The Honorable Irene C. Burger

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S SUPPLEMENTAL AUTHORITY
FILING AT ECF 56**

Plaintiff John Anthony Castro, *pro se*, submits this Motion to Strike ECF 56 from the record.

Fed. R. Civ. P. 12(g)(2) mandates that a party cannot file anything “raising a defense or objection that was available to the party but omitted from its earlier motion.” Defendant Donald John Trump attempts to circumvent this with a “Notice of Supplemental Authority,” which is a filing disguised to provide new non-binding legal authority from other jurisdictions.

Despite that, Plaintiff points out that both of those cases involve regular citizens who claimed that their status as voters gave them Article III standing, which Plaintiff agrees is ridiculous.

In this case, Plaintiff John Anthony Castro is a Republican Presidential Candidate already registered on the ballots for New Hampshire and Nevada.

REQUESTED RELIEF

Plaintiff requests that this Court strike ECF 56 from the record as impermissible under Fed. R. Civ. P. 12(g)(2) or simply due to its irrelevancy.

Dated: October 22, 2023.

Respectfully submitted,

By: /s/ John Anthony Castro
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Plaintiff Pro Se

CERTIFICATE OF SERVICE

On October 22, 2023, I submitted the foregoing document with the Clerk of this Court either by mail, email, or CM/ECF. It is further certified that all other parties are registered CM/ECF users and will be served via that system.

/s/ John Anthony Castro
John Anthony Castro